

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
Deputy Attorney General
4 State Bar No. 117576
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5337
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2011-772**

13 **SHEILA ANNE SMITH**
14 **aka SHEILA ANNE SMITH-BARNARD**
16702 Deer Creek
Springville, California 93265
15 Registered Nurse License No. 319380

A C C U S A T I O N

16 Respondent.

17
18 Louise R. Bailey, MEd, RN ("Complainant") alleges:

19 **PARTIES**

- 20 1. Complainant brings this Accusation solely in her official capacity as the Executive
21 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.
22 2. On or about August 31, 1980, the Board issued Registered Nurse License Number
23 319380 to Sheila Anne Smith also known as Sheila Anne Smith-Barnard ("Respondent"). The
24 license was in full force and effect at all times relevant to the charges brought herein and will
25 expire on January 31, 2012, unless renewed.

26 **STATUTORY PROVISIONS**

- 27 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
28 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2761(a) states, in pertinent part, that the Board may take disciplinary
4 action against a certified or licensed nurse or deny an application for a certificate or license for
5 unprofessional conduct.

6 5. Code section 2762 states, in pertinent part:

7 In addition to other acts constituting unprofessional conduct within the meaning
8 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
licensed under this chapter to do any of the following:

9 (b) Use any controlled substance as defined in Division 10 (commencing with
10 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
11 device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
12 dangerous or injurious to himself or herself, any other person, or the public or to the
extent that such use impairs his or her ability to conduct with safety to the public the
practice authorized by his or her license.

13 COST RECOVERY

14 6. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
15 administrative law judge to direct a licensee found to have committed a violation or violations of
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
17 enforcement of the case.

18 FIRST CAUSE FOR DISCIPLINE

19 (Use of Alcohol)

20 7. Respondent is subject to discipline under Code sections 2761(a), on the grounds of
21 unprofessional conduct as defined in Code section 2762(b), in that on or about January 28, 2009,
22 while on duty as the Director of Surgical Services at Sierra View District Hospital located in
23 Porterville, California, Respondent used alcohol to an extent or in a manner dangerous or
24 injurious to herself and the public. Respondent was observed by co-workers demonstrating
25 unusual behaviors, including losing her balance, having a fragmented thought process, having
26 difficulty speaking and remembering anatomy, and appearing disheveled. As a result,
27 Respondent was asked to submit to a blood test. Respondent voluntarily provided a blood
28

1 sample. The toxicology report concluded that Respondent's blood alcohol level was .18%,
2 resulting in Respondent's termination.

3 **PRAYER**

4 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Registered Nursing issue a decision:

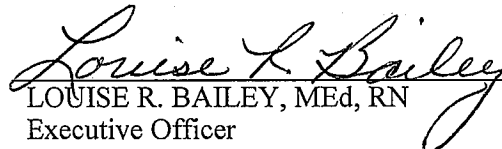
6 1. Revoking or suspending Registered Nurse License Number 319380, issued to Sheila
7 Anne Smith also known as Sheila Anne Smith-Barnard;

8 2. Ordering Sheila Anne Smith also known as Sheila Anne Smith-Barnard to pay the
9 Board of Registered Nursing the reasonable costs of the investigation and enforcement of this
10 case, pursuant to Business and Professions Code section 125.3; and,

11 3. Taking such other and further action as deemed necessary and proper.

12
13 DATED: _____

3/11/11


LOUISE R. BAILEY, MEd, RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

14
15
16
17 SA2010102194 / 10675672.doc
18
19
20
21
22
23
24
25
26
27
28